

Sharks Cove Marina & Dingo LLC

VIOLATION I: Failure to perform line tightness testing (LTT) annually as required by DRGUST Part B 1.09A(4).

HOW THE FACILITY VIOLATED THE REGULATIONS: Specifically, Respondents failed to perform LTT from June 9, 2015 through March 8, 2018.

SUPPORTING EVIDENCE:

- At the time of the inspection, the EPA inspector reported that the Facility representative stated the records were not kept on site. The inspector requested the LTT records be sent via email. No testing records were provided to the EPA inspector.
- Information Request Letter (IRL) I18-007 dated January 8, 2018 specifically requested in question 6, the Respondents provide copies of any and all line tightness tests performed from January 2013 through the present. In response to IRL I18-007, Mr. Jurist provided copies of line tightness tests dated June 9, 2014 and March 8, 2018. No other LTT records were provided.
- IRL I18-18 dated May 10, 2018 specifically requested in question 3 copies of any LTT other than June 9, 2014 and March 8, 2018. In response to IRL I18-018, Mr. Jurist stated "no test results available...owner of Dingo LLC, Matthew Haley passed away".
- On July 3, 2018 Marie Owens Powell emailed Mr. Steven Himmelfarb of Dingo LLC and specifically requested in question 2 copies of any LTT performed between June 9, 2014 and March 8, 2018. In response, Mr. Himmelfarb emailed on July 3, 2018 "Sharks Cove is the sole operator of the fuel dispensing operations and is additionally responsible for all routine inspections, maintenance, and is the owner of all underground and above ground lines and dispensing pumps. Simply said, the landlord owns the tank, but everything associated with dispensing or infrastructure that is upstream of the tank belongs to the tenant."

EXTENT OF DEVIATION/POTENTIAL FOR HARM:

Major/Major

Sharks Cove Marina & Dingo LLC

VIOLATION II: Failure to perform line leak detector testing (LLD) annually as required by DRGUST Part B 1.09A(3).

HOW THE FACILITY VIOLATED THE REGULATIONS: Specifically, Respondents failed to perform LLD from June 9, 2015 through March 8, 2018.

SUPPORTING EVIDENCE:

- At the time of the inspection, the EPA inspector reported that the Facility representative stated the records were not kept on site. The inspector requested the LLD records be sent via email. No testing records were provided to the EPA inspector.
- Information Request Letter (IRL) I18-007 dated January 8, 2018 specifically requested in question 7, the Respondents provide copies of any and all line tightness tests performed from January 2013 through the present. In response to IRL I18-007, Mr. Jurist provided copies of line leak detector tests dated June 9, 2014 and March 8, 2018. No other LLD records were provided.
- IRL I18-18 dated May 10, 2018 specifically requested in question 3 copies of any LTT other than June 9, 2014 and March 8, 2018. In response to IRL I18-018, Mr. Jurist stated "no test results available...owner of Dingo LLC, Matthew Haley passed away".
- On July 3, 2018 Marie Owens Powell emailed Mr. Steven Himmelfarb of Dingo LLC and specifically requested in question 2 copies of any LTT performed between June 9, 2014 and March 8, 2018. In response, Mr. Himmelfarb emailed on July 3, 2018 "Sharks Cove is the sole operator of the fuel dispensing operations and is additionally responsible for all routine inspections, maintenance, and is the owner of all underground and above ground lines and dispensing pumps. Simply said, the landlord owns the tank, but everything associated with dispensing or infrastructure that is upstream of the tank belongs to the tenant."

EXTENT OF DEVIATION/POTENTIAL FOR HARM:

Major/Major

Sharks Cove Marina & Dingo LLC

VIOLATION III: Failure to provide UST financial responsibility as required by DRGUST Part F.

HOW THE FACILITY VIOLATED THE REGULATIONS: Specifically, the Respondents failed to provide UST financial responsibility from October 2013 (Statute of Limitations) to August 28, 2018 (present).

SUPPORTING EVIDENCE:

- At the time of the inspection, the EPA inspector requested copies of proof of UST financial responsibility be emailed to her. Prior to writing the inspection report, no documents were received.
- Information Request Letter (IRL) I18-007 dated January 8, 2018 specifically requested in question 8, the Respondents provide copies of UST insurance certificates from January 2013 to the present. In response to IRL I18-007, Mr. Jurist replied "yes" and further instructed EPA to contact Dingo LLC.
- IRL I18-18 dated May 10, 2018 specifically requested in question 4 copies of insurance certificates and enclosures. In his response, Mr. Jurist did not address the request for UST financial responsibility documents.
- On July 3, 2018 Marie Owens Powell emailed Mr. Steven Himmelfarb of Dingo LLC and specifically requested in question 3 copies of any insurance certificates to demonstrate UST financial responsibility. In his response emailed on July 3, 2018, Mr. Himmelfarb did not address this request.

HARM: Major/Moderate